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Dated: **September 28, 2006** Signature: (Oliver T. Ong)

Docket No.: 29488/36831A
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Michael BLESER et al.

Application No.: 09/852,501 | Confirmation No.: 6411

Filed: May 10, 2001 | Art Unit: 3628

For: METHOD OF SELLING GIFTCARDS | Examiner: FRANTZY POINVIL

AMENDED APPEAL BRIEF

MS Appeal Brief–Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Amended Appeal Brief is submitted in furtherance of the Notice of Appeal, filed in this case on July 13, 2005, and in response to a Notification of Non-Compliant Appeal Brief mailed to the Applicants on August 28, 2006. This Amended Appeal Brief provides an Evidence Appendix indicating no evidence submitted under 37 CFR § 1.130, 1.131, or 1.132, and a Related Proceedings Appendix indicating no related proceedings. This Amended Appeal Brief is filed within the one-month deadline. Accordingly, this Appeal Brief is timely filed.

This brief contains items under the following headings as required by 37 C.F.R. §41.37 and M.P.E.P. §1206:

I. Real Party In Interest
II Related Appeals and Interferences
III. Status of Claims
IV. Status of Amendments
V. Summary of Claimed Subject Matter
VI. Issues to be Reviewed on Appeal
VII. Argument

Appendix A–Claims

I. Real Party In Interest

The real party in interest is Walgreen Co., the assignee of the above-identified patent application. The assignment is recorded in the United States Patent and Trademark Office ("USPTO") at Frame 012494 of Reel 0827.

II. Related Appeals and Interferences

There are no related appeals or interferences.

III. Status of Claims

A. History

The application was originally filed with claims 1–11, and claims 12–18 were added by preliminary amendment. A petition to make special based on actual infringement and a declaration in support of the petition were filed on December 27, 2001. The petition was subsequently granted on April 2, 2003.

B. Current Status of Claims

1. Claims canceled: None
2. Claims withdrawn from consideration but not canceled: None
3. Claims pending: 1–18
4. Claims allowed: None
5. Claims rejected: 1–18

C. Claims On Appeal

The claims on appeal are claims 1–18.

IV. Status of Amendments

Applicants filed an after-final amendment on May 6, 2005.

The amendment was entered, as indicated by the Advisory Action mailed June 16, 2005.

V. Summary of Claimed Subject Matter

The present application relates to a method of selling a giftcard at a store location of a first retailer for exclusive use at a second retailer. The method of claim 1 recites displaying giftcards in the store location of the first retailer (page 3, lines 24–25), designating a second retailer with whom the giftcard may be exclusively used, activating the giftcard for exclusive use with the second retailer upon receipt of a purchase amount from a customer (page 4, lines 1–4; page 5, lines 6–7), and forwarding the active giftcard information to a computer associated with the second retailer (page 4, lines 5–6). Claim 1 also recites transferring proceeds from the first retailer to the second retailer in accordance with the information, where the proceeds include at least a portion of the purchase amount (page 4, lines 12–13).

Claim 7 defines the invention as a method of selling a multi-store giftcard, which is usable at a plurality of second retailers. Specifically, claim 7 recites designating a plurality of second retailers with whom the giftcard may be exclusively used (page 5, lines 8–9; page 5, lines 13–16), activating a giftcard for exclusive use with the designated plurality of second retailers upon receipt of a purchase amount from a customer (page 5, lines 20–22), and forwarding active giftcard information to a computer associated with the plurality of second retailers (page 5, lines 20–22). Claim 7 also recites transferring proceeds from the first retailer to the designated plurality of second retailers, where the proceeds include at least a portion of the purchase amount (page 5, lines 22–23).

Claim 12 defines the invention as a method of selling a disposable giftcard at a store location of a first retailer for exclusive use at a designated store location of a second and different retailer. Claim 12 specifically recites providing a giftcard to a store location of the first retailer (page 3, lines 24–25), where the gift card is redeemable at the store location of the second and different retailer, and displaying the giftcard in an inactive state for purchase by a customer in the store location of the first retailer (page 4, lines 1–4). Claim 12 also

recites designating a store location of a second and different retailer at which the giftcard may be exclusively used (page 3, lines 24–25; page 5, lines 13–15), activating the giftcard for exclusive use at the store location of the designated second retailer upon the receipt of a purchase amount from the customer (page 4, lines 1–4), and forwarding information indicative of the activating step to a server computer that is accessible by the designated second and different retailer (page 4, lines 5–6). Claim 12 further recites transferring at least a portion of the purchase amount from the first retailer to the designated second and different retailer (page 4, lines 12–13).

Claim 14 defines the invention as a method of selling a disposable giftcard at a store location of a first retailer for redemption exclusively at a store location of a designated second and different retailer. Specifically, claim 14 recites providing a giftcard for display and sale at the store location of the first retailer (page 3, lines 24–25) and designating a store location of a second and different retailer at which the giftcard may be exclusively redeemed (page 5, lines 6–7). Claim 14 further recites creating an activation record for the giftcard upon the receipt of a purchase amount from a customer, storing the activation record in a server computer, where the activation record is accessible by the second and different retailer (page 4, lines 3–7; page 4, lines 16–18), and making available for transfer at least a portion of the purchase amount from the first retailer to the second and different retailer (page 4, lines 12–13). Claim 14 also recites issuing an active giftcard to the customer for exclusive use at the store location of the second retailer upon receipt of the purchase amount (page 3, line 30–page 4 line 1; page 5, lines 6–7).

Claim 17 defines the invention as a method comprising providing a first retailer store location with a disposable gift card (page 3, lines 24–25), where the gift card designated by the first retailer is for exclusive use with at least one designated store location of a second and different retailer (page 4, lines 1–4; page 5, lines 6–7), displaying the giftcard for purchase by a customer in the store location of the first retailer (page 3, lines 24–25 and line 30) and activating the giftcard at the store location of the first retailer for exclusive use at the at least one designated store location of the second retailer upon receipt of a purchase amount from the customer (page 4, lines 1–4). Claim 17 also recites creating an activation record associated with the giftcard upon activation of the giftcard, where the activation record includes an indication of the purchase amount received from the customer and forwarding the activation record to a server computer, where the server computer is accessible by the second

and different retailer (page 4, lines 3–7; page 4, lines 16–18). Claim 17 further recites making at least a portion of the purchase amount available for transfer from the first retailer to the second and different retailer (page 4, lines 12–13).

VI. Issues To Be Reviewed On Appeal

Whether claims 1–18 must recite a structure or a function suggesting that a computer performs the recited claims to be patentable under 35 U.S.C. § 101.

Whether the cited references of Risafi et al., (U.S. Patent No.6,473,500) or Walker (U.S. Patent No. 6,193,155) disclose the recited element of designating a second retailer with whom a giftcard may be exclusively used.

VII. Argument

A. Patentability under 35 U.S.C. § 101 does not require that the claims recite "any structure or functionality to suggest that a computer performs the recited claims."

Applicants respectfully submit that the rejection of claims 1–18 as directed to non-statutory subject matter is fatally flawed and must be withdrawn. Section 707.07(d) of the MPEP states, quite clearly, that the action "should state the statutory basis for any ground of rejection by express reference to a section of 35 U.S.C. . . ." Despite Applicants' repeated requests that the office provide detailed support for the rejection, none of the actions provide a proper basis for the Section 101 rejection. Instead, the only reason given in the first, second, and third office actions in support of the Section 101 rejection is that claims 1–18 "do not recite any structure or functionality to suggest that a computer performs the recited claims." The final office action of March 10, 2005 supported this conclusion by stating that the claims "fail to include the guidelines established by the Federal Circuit in the *State Street Bank* decision in which it was established that a statutory claim must recite a practical application in the technological arts."

As best interpreted by Applicants, the action rejects the claims as non-statutory because the claims lack language incorporating physical limitations into the methods, *i.e.*, the claims do not recite a machine or apparatus, such as a computer. However, by the plain language of Section 101, claims may fall under the useful process category and be patentable subject matter, as Section 101 does not require that all method claims be machine claims. In short, there is no statutory requirement under 37 C.F.R., any provision within the MPEP, the

U.S.C., or prior case law, that limits the patentability of methods to only those methods that require that "a computer performs the recited claims."

The very Federal Circuit case cited against the Applicants, *State Street Bank & Trust Co. v. Signature Financial Group, Inc.*, 149 F.3d 1368 (Fed. Cir. 1998), states clearly that:

> [F]or the purposes of a § 101 analysis, it is of little relevance whether claim 1 is directed to a 'machine' or a 'process,' as long as it falls within one of the four enumerated categories of patentable subject matter.

Id. at 1372. The court further explained that that "[t]he plain and unambiguous meaning of § 101 is that any invention falling within one of the four stated categories of statutory subject matter may be patented, provided it meets the other requirements for patentability set forth in Title 35, *i.e.*, those found in §§ 102, 103, and 112, P2." In short, the final office action relies on an incomplete reading of *State Street Bank.*

The final office action also relies on *In re Musgrave*, 167 U.S.P.Q. 280 (C.C.P.A. 1970), and *In re Toma*, 575 F.2d 872, 197 U.S.P.Q. 852 (C.C.P.A. 1978) to support a reading of the term "technical arts" as analogous to the "useful arts" clause of the Constitution. This reading, in conjunction with the practical application requirement of MPEP Section 2106(II)(A), appears to form the basis for the office's assertion that a computer perform the invention. However, contrary to the office action, *Musgrave* (1) does not contain any holding that the term "technological arts" should replace the constitutional term "useful arts," or the statutory term new and useful process, (2) does not state that statutory subject matter should be limited in any way to technology, and (3) does not create or set forth any "test" that requires that an invention be within the technological arts to be eligible for a patent. In fact, *Musgrave* reversed a non-statutory subject matter rejection, holding that the manipulation of signals in the invention was statutory subject matter.

It is important to distinguish what the *Musgrave* court held, which is binding, from what the court said in *dictum*, which is non-binding. In *Musgrave* the Court held that a claim reciting both physical and mental steps still constituted statutory subject matter under Section 101. In *dictum*, the Court also said, "[a]ll that is necessary, in our view, to make a sequence of operational steps a statutory process within 35 U.S.C. Section 101 is that it be in the technological arts so as to be in consonance with the Constitutional purpose to promote the progress of 'useful arts.' " *Musgrave* at 290. This statement is an opinion on a point other than the precise issue involved in determining the case, i.e., whether a claim reciting both

physical and mental steps constituted statutory subject matter. Therefore, this *dictum* is non-binding. In other words, the statement was not necessary to the court's holding, as confirmed by Judge Baldwin who dissented to this *dictum*, stating that the statement was far too broad and unnecessary to the holding. Thus, Applicants respectfully submit that the language quoted in the final office action from *Musgrave* is taken out of context and *Musgrave* does not contain any "technological arts" test.

Moreover, *Toma* does not provide any "technological arts" test under Section 101 either. Like *Musgrave*, *Toma* did not establish any technological arts "test." In *Toma*, the court again reversed a rejection for non-statutory subject matter, holding that claims which involved a translation from one language to another were statutory subject matter. While *Toma* did state that such claims were in the technical arts, *Toma* did not establish any "technological arts test" for patentability and did not hold that the claims of a patent had to be in the technical arts to be patentable. In fact, the Court in *Toma* also reversed a non-statutory subject matter rejection and said:

> "[t]he language [of Musgrave and another case] was written in answer to 'mental steps' rejections and was not intended to create a definition of statutory subject matter. Moreover it was not intended to form a basis for a new Section 101 rejection .... To the extent that this 'technological arts' rejection is before us ... it is reversed." *Toma* at 857.

Therefore, the foundation for the final office action's rejection under Section 101 for failing to be within the technological arts is based upon an improper reading of *State Street Bank*, *Musgrave*, and *Toma*, and is therefore incorrect.

Further, the final office action is incorrect in asserting that a practical application requires a computer. For example, it is correct to assert that "certain types of mathematical subject matter ... represent nothing more that abstract ideas until reduced to some type of practical application," *i.e.*, they must produce "a useful, concrete and tangible result." This test is generally embodied in Section 2106(II)(A) of the MPEP, which states that the claim as a whole must accomplish "a practical application" and "it must produce a useful, concrete and tangible result." Yet, to conclude—as the office action does—that in order to produce a useful, concrete and tangible result one must show that "a computer performs the recited claims," is simply incorrect as a matter of law.

The above-referenced section of the MPEP proceeds to give examples of what constitutes a "practical application", including:

> ...transformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm, formula, or calculation, because it produces a 'useful, concrete and tangible result' – a final share price momentarily fixed for recording and reporting purposes and even accepted and relied upon by regulatory authorities and in subsequent trades. (Citation omitted).

From the foregoing example, it is readily apparent that Applicants' claims likewise produce a "useful, concrete and tangible result." Applicants' claim 1, for example, involves forwarding information pertaining to the selected and activated giftcard to a server computer, and then transferring proceeds between retailers in accordance with the information. Applicants are at a loss to explain why calculating a final share price is statutory subject matter, while forwarding activated giftcard information to a server computer and then transferring proceeds from the first retailer to the second retailer in accordance with the information is non-statutory subject matter.

Another practical application of the claimed invention is that it enables a first retailer to restrict redemption of the activated giftcard to a designated second retailer. The benefit to the set of retailers is that they may be able to execute beneficial cross-sales agreements in which, for example, two retailers agree to cross-promote each others products. This is quite distinct from a mere abstract idea. Instead, the method—selling a giftcard at a first retailer for exclusive use at a designated second retailer—produces a practical result—excluding an undesignated third retailer from redeeming the giftcard, thereby preventing the third retailer from usurping the benefits of sales between the first and second retailer.

Other Federal Circuit cases support the proposition that processes need not be reduced to physical embodiments. Specifically, in *AT&T Corp. v. Excel Communications*, 172 F.3d 1352 (Fed. Cir. 1999), which relies on and expands upon the *State Street Bank* decision, the Federal Circuit again stated that there is no requirement to have a physical embodiment of a process, reasoning that the business method exception "where certain physical embodiments were required of a process in order for the process to be patentable, ha[d] been discarded." *Id.* at 1356.

Finally, the Supreme Court has identified only three categories of subject matter that are unpatentable: "laws of nature, natural phenomenon, and abstract ideas." These

exceptions are enumerated in MPEP Section 2106(IV)(A) (at page 2100–11, Rev. 2, May 2004), which states that "subject matter that is not a practical application or use of an idea, a law of nature or a natural phenomenon is not patentable."

Based on the foregoing, it is clear that the pending claims do not fall under any of the non-statutory categories specifically enumerated by the Court. Clearly, Applicants are not claiming a law of nature or natural phenomenon, and from the foregoing it is apparent Applicants' claims have the requisite "practical application" in conformity with Section 2106 to overcome any abstract idea exception. Applying the correct legal standard as articulated in *State Street Bank*, there can be no question that Applicants' claims are directed toward statutory subject matter within the dictates of Section 2106 of the MPEP. Therefore, the Section 101 rejection must be withdrawn.

B. Neither Risafi et al. nor Walker et al. can render the claims obvious because neither discloses the recited element of designating a second retailer with whom a giftcard may be exclusively used, and because one or both of the references teach directly away from the claimed invention.

The rejection of claim 1 as obvious over Risafi et al. (Risafi) in view of Walker et al. (Walker) must be withdrawn because none of the office actions have established a proper *prima facie* case of obviousness. Claim 1 positively recites, in part, selling a disposable giftcard at a first retailer and for exclusive use with a designated second retailer, designating the second retailer with whom the giftcard may be exclusively used, and activating a selected one of the displayed giftcards for exclusive use with the designated second retailer upon receipt of a purchase amount from a customer.

By comparison, Risafi fails to teach or even suggest the foregoing limitations. The passage at Col. 5, line 17 in Risafi referred to by the final office action merely gives a laundry list of the types of parties that may use the prepaid card of that reference. The passage says nothing about a first retailer, says nothing about designating a second retailer where the card can be used exclusively, etc. The passage at Col. 16, lines 11–33 relates to a telephone services provider, and Applicants are at a loss to explain how the Office can view a telephone services provider as a retailer, much less as the second retailer as claimed. Simply put, it is not reasonable to equate the term "services provider" (which sells services, but not goods) to the term "retailer" (which sells goods, but not services). *See* Section 2111.01(I) of the

MPEP[1]. Moreover, the action fails to provide any basis whatsoever for reading a "services provider" as a "retailer." Applicants raised this very point earlier during prosecution, and in response the Office merely restated the rejection using the same language.

In accordance with MPEP 707.07(f), the office is required to "answer the substance" of Applicants response. Simply put, there is no basis to equate "services provider" with "retailer." Despite Applicants' requests that the Office provide some basis for equating "service provider" with "retailer," to date no such basis has been supplied. Thus, the action fails to establish a proper *prima facie* case of obviousness, and the rejection is fatally flawed and must be withdrawn on this basis alone.

Moreover, Risafi at Fig. 2 contemplates withdrawing cash. If the telephone company is a second retailer, how is one supposed to withdraw cash from the telephone company? Further, there can be no suggestion to eliminate this cash withdrawing aspect from Risafi without destroying the express teachings of the reference. *See generally* MPEP at section 2141.02. It appears there would be no way to modify the reference and/or make the combination without using Applicants' own disclosure as a template, which is impermissible. There simply cannot be a proper *prima facie* case of obviousness based even in part on Risafi. The rejection must be withdrawn.

Still further, the passages from Walker cited by the final office action teach directly away from the claimed invention. Specifically, the action cites Walker (at column 5, lines 25–38) in support of the contention that Walker discloses a second retailer as claimed, stating:

> Walker et al. teach that a user purchasing the giftcertificate [sic] may select merchants or retailers in which the gift recipient may use the gift certificate.

Office action of March 10, 2005, at page 3 (emphasis added).

However, at lines 30–38 of Walker, it becomes apparent that the Walker certificate is being issued by a credit card issuer and that the invention of Walker is directed to reduce the instance of fraud caused by the use of "convenience checks" as gifts. There is no teaching or suggestion of exclusivity. Further, as shown in Fig. 1 of Walker, that reference contemplates

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[1] While the claims of issued patents are interpreted in light of the specification, prosecution history, prior art and other claims, this is not the mode of claim interpretation to be applied during examination. During examination, the claims must be interpreted as broadly as their terms reasonably allow.... This means that the words of the claim must be given their plain meaning unless applicant has provided a clear definition in the specification. MPEP § Section 2111.01(I).

only a single retailer, as the credit card issuer is not a retailer. Where then is the suggestion to supply the second retailer, if that second retailer cannot be found in Walker and cannot be found in Risafi? No proper suggestion has been supplied, and thus, there cannot be a proper *prima facie* case of obviousness.

Moreover, as pointed out by the final office action, Walker expressly teaches that the ability to designate a merchant with whom to redeem the gift certificate is left to the gift recipient. This aspect of the reference teaches directly way from the claimed method, in which the first retailer—as opposed to the giftcard recipient or user—is the entity that performs the step of designating the second retailer at which the giftcard can be exclusively used.

In other words, on the claimed activation step the card is activated for exclusive use with the designated second retailer, while on the reference there is no exclusivity at all. Instead, in Walker the ultimate decision regarding where to redeem the gift certificate is left to the user of the gift certificate. Thus, because the Walker reference teaches that the recipient of the gift certificate may redeem the gift certificate at any merchant of his choosing, the reference teaches precisely the opposite of what is claimed. In short, the claimed invention relates to exclusivity designated by the first retailer, while the reference is open ended with regard to redemption, with the choice left to the user. There would be no suggestion to discard this express teaching of Walker, and therefore, there cannot be a *prima facie* case of obviousness based even in part on the Walker reference. *See generally* MPEP at Section 2141.02 (prior art must be considered in its entirety, including disclosures that teach away from the claimed invention). Accordingly, claim 1 is in allowable form.

Claims 2–6 depend from claim 1, either directly or through intervening claims. Accordingly, these claims are also in allowable form.

With respect to independent claims 7, 12, 14 and 17, for the reasons outlined above with respect to claim 1, there likewise cannot be a proper *prima facie* case of obviousness based on the cited combination. Accordingly, independent claims 7, 12, 14 and 17, and the claims dependent thereon, are all in allowable form.

Conclusion

In view of the foregoing remarks, it is respectfully submitted that each of claims 1–18 is patentable over the prior art, and that all of the pending claims should be allowed.

Respectfully submitted,

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APPENDIX A

Claims Involved in the Appeal of Application Serial No. 09/852,501

1. (Previously Presented) A method for selling a disposable giftcard at a store location of a first retailer for exclusive use with a designated second retailer, the method comprising:

displaying a plurality of non-activated giftcards in the store location of the first retailer;

designating a second retailer with whom the giftcard may be exclusively used;

activating a selected one of the displayed giftcards for exclusive use with the designated second retailer upon receipt of a purchase amount from a customer;

forwarding information pertaining to the selected giftcard to a server computer associated with the second retailer; and

transferring proceeds from the first retailer to the second retailer in accordance with said information, the proceeds including at least a portion of the purchase amount.

2. (Original) The method of claim 1, further comprising calculating a revenue share of the purchase amount for the first retailer, in which the proceeds are equal to the purchase amount less the revenue share.

3. (Original) The method of claim 1, in which the giftcard has a preset credit value.

4. (Original) The method of claim 1, in which multiple sets of giftcards are displayed at the first retailer, each set of giftcards being redeemable at a different second retailer.

5. (Previously Presented) The method of claim 1, in which the server computer provided by the second retailer initiates said transfer of proceeds from the first retailer to the second retailer.

6. (Previously Presented) The method of claim 1, in which the server computer is provided by a third party associated with the second retailer.

7. (Previously Presented) A method for selling a disposable giftcard at a store location of a first retailer for exclusive use with a designated plurality of second retailers, the method comprising:

displaying a plurality of inactive giftcards in the store location of the first retailer;

designating a plurality of second retailers with whom the giftcard may be exclusively used;

activating a selected one of the giftcards for exclusive use with the designated plurality of second retailers upon receipt of a purchase amount from a customer;

forwarding information pertaining to the activated giftcard to a server computer associated with the designated plurality of second retailers; and

transferring proceeds from the first retailer to the designated plurality of second retailers, the proceeds including at least a portion of the purchase amount.

8. (Original) The method of claim 7, further comprising calculating a revenue share of the purchase amount for the first retailer, in which the proceeds are equal to the purchase amount less the revenue share.

9. (Original) The method of claim 7, in which the giftcard has a preset credit value.

10. (Previously Presented) The method of claim 7, in which the plurality of second retailers comprise an outside retailers consortium, and in which the server computer is provided by the outside retailers consortium.

11. (Previously Presented) The method of claim 7, in which the plurality of second retailers comprises an outside retailers consortium, and in which the server computer is provided by a third party associated with the outside retailers.

12. (Previously Presented) A method of selling a disposable giftcard at a store location of a first retailer for exclusive use at a designated store location of a second and different retailer, the method comprising the steps of:

providing a giftcard to the store location of the first retailer, the gift card redeemable at the store location of the second and different retailer;

displaying the giftcard in an inactive state for purchase by a customer in the store location of the first retailer;

designating a store location of a second and different retailer at which the giftcard may be exclusively used;

activating the giftcard for exclusive use at the store location of the designated second retailer upon the receipt of a purchase amount from the customer;

forwarding information indicative of the activating step to a server computer, the server computer accessible by the designated second and different retailer; and

transferring at least a portion of the purchase amount from the first retailer to the designated second and different retailer.

13. (Previously Presented) The method of claim 12, wherein the first retailer comprises a first retail chain, and wherein the second and different retailer comprises a second retail chain.

14. (Previously Presented) A method of selling a disposable giftcard at a store location of a first retailer for redemption exclusively at a store location of a designated second and different retailer, the method comprising the steps of:

providing a giftcard for display and sale at the store location of the first retailer;

designating a store location of a second and different retailer at which the giftcard may be exclusively redeemed;

creating an activation record for the giftcard upon the receipt of a purchase amount from a customer;

storing the activation record in a server computer, the activation record accessible by the second and different retailer; and

making available for transfer at least a portion of the purchase amount from the first retailer to the second and different retailer;

issuing an active giftcard to the customer for exclusive use at the store location of the second retailer upon receipt of the purchase amount.

15. (Previously Presented) The method of claim 14, wherein the giftcard is provided by a third party, and wherein the activation record is accessible by the third party.

16. (Previously Presented) The method of claim 14, wherein the giftcard is provided by the first retailer.

17. (Previously Presented) A method comprising the steps of:

providing a store location associated with a first retailer;

providing the store location of the first retailer with a disposable gift card, the gift card designated by the first retailer for exclusive use with at least one designated store location of a second and different retailer;

displaying the giftcard for purchase by a customer in the store location of the first retailer;

activating the giftcard at the store location of the first retailer for exclusive use at the at least one designated store location of the second retailer upon receipt of a purchase amount from the customer;

creating an activation record associated with the giftcard upon activation of the giftcard, the activation record including an indication of the purchase amount received from the customer;

forwarding the activation record to a server computer, the server computer accessible by the second and different retailer; and

making at least a portion of the purchase amount available for transfer from the first retailer to the second and different retailer.

18. (Previously Presented) The method of claim 17, wherein the giftcard is associated with at least one store location of a plurality of additional and different retailers, the server computer accessible by the plurality of additional and different retailers, and wherein the portion of the purchase amount is available for transfer from the first retailer to a selected one of the plurality of additional and different retailers.

EVIDENCE APPENDIX

No evidence is submitted pursuant to 37 CFR § 1.130, 1.131 or 1.132.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.